(*b*) for the detention of girls under the provisions of Section 8."

20. As there have been very many changes in the Bill, we recommend that it be republished.

(Sd.) S. P. Rajagopalachari,
(*Chairman.*)
" F. A. Hamilton.
" S. Subba Rao.
" H. V. Ramasvami.
" A. R. Nagesvara Iyer.
" K. R. Srinivasa Iyengar.
" D. V. Gundappa.
" H. C. Dasappa.
" Md. Abbas Khan.
" D. S. Mallappa.
" B. K. Garudachar.

Mr. T. Ramachandra has not yet intimated his approval.

BILL AS AMENDED BY THE SELECT COMMITTEE.

(Additions are indicated in italics and portions omitted are enclosed in square brackets).

**BILL [TO ENFORCE LEGISLATION SUPPRESSING]** *FOR THE SUPPRESSION OF BROTHELS AND* **IMMORAL TRAFFIC IN THE MYSORE STATE.**

Whereas it is to expedient [enforce the law regarding] *make provision for the* Suppression of *brothels and* Immoral Traffic in the Mysore State. It is hereby enacted as follows :—

SHORT TITLE.

1. (*a*) This Regulation may be called the [Mysore] Suppression of Immoral Traffic Regulation of 193 .

EXTENT.

[(*b*) This Section, Section 6, Section 12, Section 13, and Section 16 shall extend to the whole of the Mysore State. The rest of this Regulation shall extend, in the first instance, to the Cities of Bangalore and Mysore, but the Government may, by notification, extend to any other

local area, all or any of its provisions with such verbal modifications as, having regard to the principles of this Regulation, may be necessary for the purposes of such extension.]

"*(b) The Government may from time to time, by notification in the Official Gazette apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.*

"*Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area.*"

DEFINITION.

2. In this Regulation, unless there is anything repugnant in the subject or context :—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof *habitually* allows to be used by any other person for the purposes of prostitution.

['Place of public amusement' shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money or with the intention that the money may be collected from those admitted, and shall include a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium or fencing school, massage room and turkish baths.

'Place of public entertainment' shall mean any place, whether enclosed or open, to which the public are admitted and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place ; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern, or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop.]

'Prostitution' means [indiscriminate] *promiscuous* sexual intercourse for hire.

'Magistrate' means [a City Magistrate or] a Stipendiary Magistrate of the First Class.

['He' means and includes 'She' also.]

*'Prescribed' means prescribed by rules made under this Regulation.*

SOLICITATION.

3. [Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,

(*a*) by words, postures, wilful and indecent exposure of his or her person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or;

(*b*) solicits or molests any other person for the purpose of prostitution shall be punished with imprisonment for a period or term which may extend to three months, or with fine which may extend to one hundred rupees.]

*Whoever,*

(1) *in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or*

(2) *frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency*

*shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both."*

[PROSTITUTION IN PLACES OF PUBLIC AMUSEMENT.]

[4. Whoever being the owner, keeper, landlord or manager of any place of public amusement or entertainment, knowingly permits prostitutes or procurers for the purpose of their trade to meet or remain in such place, shall be punished with fine which may extend to one hundred rupees.

LIVING ON THE EARNINGS OF PROSTITUTION.

5. (*a*) Any person over the age of sixteen who knowingly employs or causes or abets the employment by another person for prostitution and lives, wholly or in part on such earnings shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or both.

*Presumption thereof.*

(*b*) Where a person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

PROCURATION.

6. Any person who procures or attempts to procure or causes to procure any woman or girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or both.]

"4. *Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both.*"

IMPORTING WOMAN OR GIRL FOR PROSTITUTION.

[7. Any person who brings or attempts to bring or causes to be brought into any village, town or city in the State, any girl or woman, with a view to her becoming a prostitute, shall be punished with imprisonment which may extend to three years, or with fine which may extend to five hundred rupees, or with both.]

"5. *Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both.*"

[8] *6.* Where a Magistrate [empowered under this Regulation] has reason to believe from a report made to him by a Police Officer, or otherwise, that a girl apparently under the age of 18 years is living or is carrying on or is being made to carry on the business of [a prostitute] prostitution in a brothel, disorderly house, or place of assignation, he may issue an order to a Police Officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation, and to remove therefrom such girl; and thereupon such Police Officer shall have the power to enter into such brothel, disorderly house or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

COMMITMENT TO SUITABLE CUSTODY.

[9. A girl who has been so removed shall be brought before a Magistrate empowered under this Act, and the Magistrate shall cause an inquiry to be made and if satisfied that the girl is under 18 years of age and that she should be dealt with as therein provided, may make an order that such girl be placed, until she attains the age of 21 years or for any shorter period, in a Rescue Home provided or aided or recognised by the Government or in such other custody as the court for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or body of a different religious persuasion from that of the girl.]

"7. *A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl.*"

INTERMEDIATE CUSTODY OF THE GIRL REMOVED FROM BROTHEL, ETC.

[10. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of Section 8, the Superintendent of Police in Mysore or any other Police Officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a Rescue Home provided, aided, or recognised by the Government (other than a police station or jail), provided that as far as possible such custody shall not be that of a body of a different religious persuasion from that of the girl.]

"8. *When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, aided or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.*"

*9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person.*"

UNLAWFUL DETENTION FOR PROSTITUTION.

[11. (*a*) Whoever detaining any woman or girl against her will,

(i) in any house, room, or place in which the business of a common prostitute is carried on, or

(ii) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether with any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

*Presumption thereof.*

(*b*) Where a woman or girl is in any house, room, or place in which the business of a common prostitute is carried on, or is in or upon any premises for the purpose of having sexual intercourse referred to in sub-clause (ii), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.]

"10. *Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.*"

[BAR OF CERTAIN LEGAL PROCEEDINGS.]

[12. No civil suit shall lie, and no proceedings whether civil or criminal shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments, or other property, alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.]

PUNISHMENT FOR KEEPING A BROTHEL OR ALLOWING PREMISES TO BE USED AS A BROTHEL.

"*11.* (*1*) *Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.*

(*2*) *Any person who,*

(a) *being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or*

(b) *being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section* (*1*) *or clause* (a) *of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel;*

*shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both,*

(*3*) *Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause* (a) *of sub-section* (*2*) *shall be entitled forthwith to determine such lease, tenancy or occupation.*"

A

[13. (i) Any person who—

(*a*) keeps or manages or acts or assists in the management of a brothel; or

(*b*) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(*c*) being the lessor, or landlord of any premises or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same or any part thereof,

may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees.

*Punishment for Subsequent Offence.*

B

13. (ii) Any person who, having been convicted of an offence punishable under Section A, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may in addition to such punishment, be required by the court to execute a bond, with sureties, for his good behaviour for such period not exceeding three years, as the court may direct, and in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to the punishment awarded in respect of his offence.

*Determination of Tenancy of Premises on Conviction for Permitting use as a Brothel or for Purposes of Habitual Prostitution.*

C

13. (iii) (*a*) On conviction of the tenant, lessee or occupier for any offence under Section A, clause (*b*), the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him, to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any part to such lease or contract accruing before the date of such determination.

(*b*) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (*a*), the court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to

the landlord or lessor within such time, not being less than seven days, as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor after he has received notice in writing of such conviction fails to exercise his rights under sub-section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.]

ARREST WITHOUT WARRANT.

"12. *Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under Sections 3, 4, 5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.*

"13. *Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under Sections 3, 4, 5 or 10 has been or is*

the landlord or lessor within such time, not being less than seven days, as the court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure for service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(*c*) If the landlord or lessor after he has received notice in writing of such conviction fails to exercise his rights under sub-section (*a*) and consequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he has taken all reasonable steps to prevent the recurrence of the offence.

(*d*) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purpose of this section, to have been committed during the subsistence of the previous lease or contract.]

ARREST WITHOUT WARRANT.

"12. *Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under Sections 3, 4, 5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.*

"13. *Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under Sections 3, 4, 5 or 10 has been or is*

*being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 3, 4, 5 or 10 has been committed."*

[14. (*a*) Any Police Officer, not below the rank of an Inspector on information, and, if the offence is committed in his view, any Police Officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing an offence punishable under Section 3.

(*b*) Any Police Officer, not below the rank of an Inspector, may, without an order from a Magistrate and without warrant, arrest any person who has been concerned in an offence punishable under Section 11, or against whom a reasonable complaint has been made or credible information has been received, of his having been concerned in an offence under sub-section (*c*) of Section 13 (i).

POWER TO ENTER PREMISES.

15. If the Magistrate or the District or a First Class Magistrate or the District Superintendent of Police or Assistant Superintendent of Police, holding jurisdiction in the area, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7 and 11, has been or is being committed in any building, enclosure, room, place in which he has reason to believe that any woman or girl is living in respect of whom, an offence punishable under Sections 5, 6, 7 or 11 has been committed, may either himself enter or by his warrant give authority to any Police Officer, not below the rank of a Police Inspector, to enter with such assistance as may be found necessary, by night or by day and by force, if necessary.

Any Police Officer, not below the rank of an Inspector, authorised in this behalf by the District Magistrate by special order may, for the purpose of ascertaining whether an offence punishable under Sections 5, 6, 7, 8 or 11 has been or is being committed, enter without a warrant, any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under Sections 5, 6, 7, 8 or 11 has been committed.]

OFFENCES TRIABLE BY CERTAIN MAGISTRATES ONLY.

[16. Offences punishable under Sections 5, 6, 7 or 8 shall be triable by the Courts of Sessions, City Magistrates and Stipendiary Magistrates of the First Class only.]

"14. *No court inferior to that of a stipendiary Magistrate of the first class shall try offences under Sections 3, 4, 5, 10 and 11.*"

"15. *The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular*

(a) *for the care, treatment, instruction and the maintenance of girls placed in a rescue home-or homes or other suitable custody under Section 7;*

(b) *for the detention of girls under the provisions of Section 8.*"

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*No. 4675—Encls.—L.C., Bangalore, dated 26th May 1936.*

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Agriculturists' Relief Regulation is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
*Secretary,*
*Mysore Legislative Council.*

**Bill further to amend the Mysore Agriculturists' Relief Regulation.**

Whereas it is expedient to further amend the Mysore Agriculturists' Relief Regulation, 1928, it is hereby enacted as follows:—

After Sub-section (1) of Section 4 of the Mysore Agriculturists' Relief Regulation, 1928, the following new Sub-section shall be inserted, namely—

(1-A) Notwithstanding anything to the contrary contained in this Regulation, the question as to the status of a party as an agriculturist, in suits filed after—shall be raised at the earliest possible opportunity.